

REMARKS

Claims 1-27 were pending in the Office Action, and upon entry of the present Amendment, these claims remain pending. In the Office Action, claims 1-13, 16-18 and 20-27 stand rejected under 35 U.S.C. §102(a) as being anticipated by Rebhan et al. (WO 99/33076), and claims 14, 15 and 19 stand rejected under 35 U.S.C. §103(a) as being obvious in view of alleged modifications to Rebhan et al. Applicants respectfully traverse these rejections, especially insofar as they may be applied to the claims as amended herein.

I. Independent Claims 1, 11 and 18, and dependent claims 12-17, 19-20 and 25-27

Amended independent claim 1 recites the following steps:

- associating the terminal with a transmitter operable in another network;
- interrogating the another network to determine the location of the transmitter; and
- attempting to deliver the content to the terminal at the location of the transmitter using one of a plurality of transmitters in said broadcast network; and
- in response to determining that said first attempt failed, attempting to deliver said content to said terminal using more transmitters in said broadcast network than were used in said first attempt.

The applied reference, Rebhan et al., fails to teach or suggest such a method. As noted in the Office Action and in Applicants' previous Amendment, Rebhan et al. relates generally to a method for transmitting information involving an information consumer 190. Consumer 190 may possess a DVB receiver 191 and a secondary bidirectional transfer network receiver 192. Rebhan et al. describes its typical embodiment in connection with Figure 2, described at page

21 of the reference. As described, the Rebhan et al. user first makes a request for information (e.g., step 210/220); the request is provided to information transfer point, which makes an initial contact with the consumer in step 240. Following that initial contact, the consumer uses a secondary bidirectional transfer network to transmit configuration information to the information transfer point, which the transfer point uses to transmit the requested information to the consumer's DVB receiver 191.

With regard to transmission errors, Rebhan et al. states that the transfer point will resend the requested information over the DVB network in response to a demand for a resend. See, e.g., Rebhan et al., p. 24, lines 32-34. Rebhan et al. does not go into detail on this resend. Accordingly, Rebhan et al. fails to teach or suggest the recited steps of "attempting to deliver the content to the terminal at the location of the transmitter using one of a plurality of transmitters in said broadcast network; and in response to determining that said first attempt failed, attempting to deliver said content to said terminal using more transmitters in said broadcast network than were used in said first attempt," as recited in amended independent claim 1.

Similarly, Rebhan et al. fails to teach or suggest the recited system of amended independent claim 11, which recites, among other features, "wherein said first broadcast network is configured to automatically resend said content to said terminal using a different one of said plurality of transmitters in said first broadcast network upon determining that said content was not successfully delivered in a first transmission." Additionally, amended independent claim 18 recites, among other features, the following: "in response to a determination that said first terminal failed to successfully receive content sent by said selected

transmitter, selecting a different transmitter of said first broadcast network and resending said content to said first terminal using said different transmitter.”

For at least these reasons, Applicants submit that amended independent claims 1, 11 and 18 distinguish over the applied reference, and are in condition for allowance. Claims 12-17, 19-20 and 25-27 depend from one of these, and are distinguishable for at least the same reasons as their respective base claims, and further in view of the various features recited therein.

II. Independent Claims 2 and 4, and Dependent Claims 5-7 and 21-23

Amended independent claim 2 recites, among other features, the broadcast network including a processor operable to “determine whether requested content is intended for use by a mobile network terminal or a broadcast network terminal, and in response to determining that said content is to be used by a broadcast network terminal.” The Rebhan et al. system assumes that the requested content will be used by the DVB receiver 191, and offers no teaching or suggestion of the information transfer point 110 (alleged to be in the claimed broadcast network) determining whether requested content is intended for use by a mobile network terminal or a broadcast network terminal, as recited. Indeed, the Rebhan et al. DVB receiver 191 merely uses the secondary bidirectional network transceiver 192 as a conduit for sending configuration information up to the transfer point 110.

Similarly, amended independent claim 4 recites, among other features, “a head end apparatus for use in a first multi-transmitter broadcast network, the apparatus comprising a terminal locator operable in response to a request to deliver content to a terminal in the first network to obtain terminal location information from a second, different network, a memory

having stored therein transmitter location information and a controller operable in response to the request to determine whether said terminal is mobile or fixed, ...” The Rebhan et al. system makes no such determination, since it only ever addresses content for the DVB receiver 191, and it never suggests that DVB receiver 191 may move between areas 145, 146, 147. Rebhan et al. has no need for such a determination.

For at least these reasons, Applicants submit that amended independent claims 2 and 4 distinguish over the applied reference, and are in condition for allowance. Claims 5-7 and 21-23 depend from claim 4, and are distinguishable for at least the same reasons as their respective base claim, and further in view of the various features recited therein.

III. Independent Claim 3

Amended independent claim 3 recites, among other features, “a broadcast network comprising a processor operable to interrogate another network to obtain calling line identity information for, and determine the location of, a transmitter associated with the terminal.” The Rebhan et al. information transfer point 110 (the alleged processor in the claimed broadcast network) does not interrogate the receiver 190 (the alleged another network) to obtain calling line identity information, as recited. Indeed, Rebhan et al. makes no mention of calling line identity at all.

IV. Independent Claim 8, and Dependent Claims 9-10 and 24

Amended independent claim 8 recites, among other features, “a receiver operable to receive content transmitted by a selected one of a plurality of transmitters of the first network and a further transmitter connected to a second network from which the first network derives information relating to the location of the further transmitter by the first network interrogating

the second network to determine the location of the further transmitter to facilitate selection of the one transmitter, wherein said terminal is configured to communicate with said further transmitter using a wireless data link." Rebhan et al. does not teach or suggest the terminal recited in amended claim 8. Indeed, Rebhan et al. shows a wire connection between the DVB receiver 191 and secondary bidirectional network transceiver 192. See Fig. 1.

For at least these reasons, Applicants submit that amended independent claim 8 distinguishes over the applied reference, and is in condition for allowance. Claims 9-10 and 24 depend from claim 8, and are distinguishable for at least the same reasons as their respective base claim, and further in view of the various features recited therein.

V. Conclusion

Applicants respectfully submit that all of the pending claims 1-27 distinguish over the cited reference, and are in condition for allowance. If the examiner feels that additional discussion and/or amendment may be needed to place the application in condition for allowance, the examiner is invited to telephone Applicants' undersigned representative.

Respectfully submitted,

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